

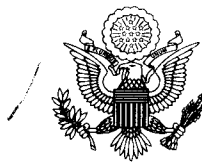
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## Congress of the United States House of Representatives

# Principles of Campaign Finance Reform

June 25, 2001

Dear Colleague,

How Congress proceeds in July on campaign finance reform will affect American elections for decades. Reform will determine how candidates for public office are able to engage the American people and how the people in turn may support or oppose candidates. Therefore, we must proceed cautiously and thoughtfully on campaign reform. We must ensure that campaign reform adheres to certain key principles.

Any serious attempt to reform our nation's campaign finance system must adhere to the principles of constitutionality, openness, fairness and competition, effectiveness, and expense. The development of reform based on these five principles, though not exhaustive, will allow Congress to move forward with meaningful change.

**Constitutionality.** Will the reform hold up to the inevitable court challenges in light of the strong body of law on the books? It is unproductive for Congress to pass legislation sharply contradicting Supreme Court precedent, ensuring that it will be tied up in the legal system for years. For example, in *Buckley v. Valeo*, the Supreme Court ruled that a ceiling on independent expenditures is unconstitutional. Therefore, any legislation that contains such a ceiling will face legal hurdles that may prove insurmountable. Congress should pass campaign reform that has a realistic chance of surviving a constitutional challenge.

**Openness.** Will the reform proposal ensure that campaigns remain free and open? Essential to a robust democracy is the free flow of information to the public. The Supreme Court (in *Buckley*) has ruled that money equals speech because money is necessary for political speech in the marketplace. Yet some campaign reform proposals further restrict the funding of candidates by their political parties, limit how much people can donate to a political cause they support, and discourage people from spending their own money to promote or oppose candidates.

If the prevention of corruption is the motivation behind the restrictive proposals, the best way to inhibit corruption is to increase disclosure. The goal should be to foster robust disclosure of contributions and expenditures using new information technologies, through which individual citizens can track the flow of money (if that's how they determine whom to vote for). To adhere to the openness principle, campaign reform must promote political speech that is vigorous and unashamed and increase rather than decrease the information available to citizens.

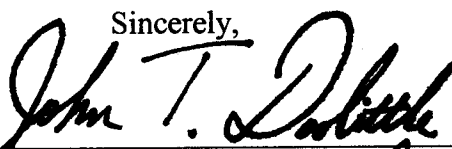
**Fairness and Competition.** Will the reform be fair to all participants in campaigns and elections, and not favor incumbents, the media, or one political party over another? Our democracy warrants a campaign system that maximizes the protections for challengers, citizens who are not TV news anchors, and parties out of power. Reform should not favor any group over another. Put simply, it must ensure that the political process remains fair and competitive.

**Effectiveness.** Will the reform minimize or eliminate the current shortcomings of the election system without making the system worse? For example, when the contribution limit for individuals was set at \$1000 in 1974 with no provision to adjust this limit for inflation, the crafters of the legislation did not consider that this oversight would result in candidates' increased reliance on "soft money" from the parties (to pay for the increasing cost of campaigns). Before we pass campaign reform, we must consider all possible outcomes of our actions so that unintended consequences do not generate the need for another systemic overhaul in a few years.

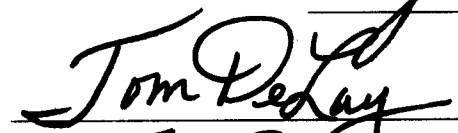


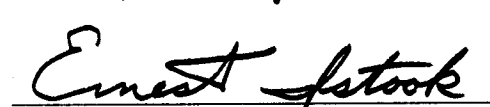
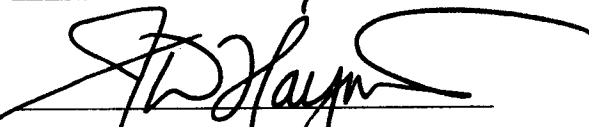
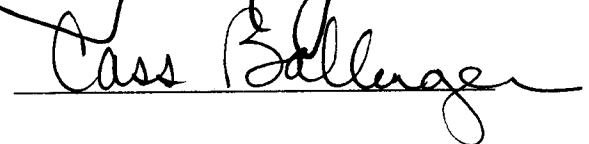
**Expense.** Will the reform reduce costs to taxpayers and campaign committees? We should not have to raise taxes to pay for the implementation of campaign reform. Candidates for public office should not have to raise money just to cover the costs of complying with new campaign laws. Citizens should not have to hire expensive lawyers before speaking publicly on issues or getting involved in campaigns. We have to ensure that the costs of campaign reform do not outweigh the benefits of improving our electoral system.

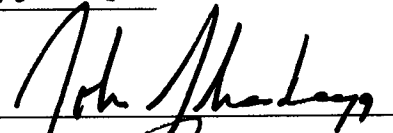
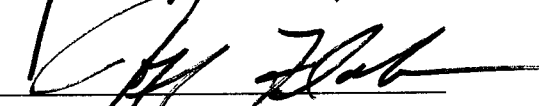
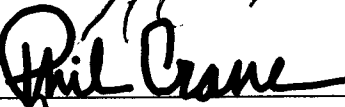



Clearly our system for financing federal campaigns is broken. But we should not take readiness for grand ideas as a license to proceed carelessly. Proposals for reform must be subject to thorough scrutiny. By analyzing campaign reform according to the principles of constitutionality, openness, fairness, effectiveness and expense, we increase the likelihood of enacting sensible legislation that benefits all and restores the faith in our electoral process.

Sincerely,



John T. Doolittle

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